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FROM Ann C. Livingston
DATE April 18, 2008
PAGES 5 (including cover)

VOICE NO. 512.322.2634
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TO U.S. Patent & Trademark Office
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FAX NO. 571.273.6500
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MESSAGE**RECEIVED****APR 23 2008****OFFICE OF PETITIONS**

In re Application of:
Serial No.: 10/782,135
Patent No.: 7,123,149
Issue Date: October 17, 2006
Group Art Unit: 2632
Confirmation No.: 5207
Title: **TAGGING AND TRACKING SYSTEM FOR ASSETS
AND PERSONNEL OF A COMMERCIAL
ENTERPRISE**

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BAKER BOTTS LLP

April 17, 2008

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Via Facs mile 571-273-6500

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Ann C. Livingston
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Re: In re Application of: Brent M. Nowak et al.
Serial No.: 10/782,135
Patent No.: 7,123,149
Issue Date: October 17, 2006
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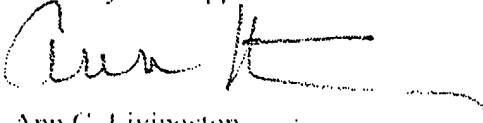
Dear Sir or Madam:

The itemization and payment of deficiencies required for correction of erroneously claimed status as a small entity are submitted herewith pursuant to 37 C.F.R. § 1.28(c) and 37 C.F.R. § 1.27(g)(2) on the attached Correction of Erroneously Claimed Small Entity Status and Notice of Non-Small Entity Status ("Correction"). Applicants submit that large entity status was claimed for the provisional application filing but mistakenly changed to small upon the utility application filing. Applicants further submit that any such error was in good faith and that small entity fees were paid in good faith, and request that the error be excused.

Applicants authorize the Commissioner to charge the \$1635.00 corresponding to the Total Deficiency Owed for the transactions identified on the attached Correction for the above-referenced patent, or any additional fees necessary or credit any over payments, to Deposit Account No. 50-2148 of Baker Botts L.L.P.

Respectfully submitted

BAKER BOTTS L.L.P.
Attorneys for Applicants



Ann C. Livingston
Reg. No. 32,479

ACL/clg

Enclosures:

1. Correction of Erroneously Claimed Small Entity Status and Notice of Non-Small Entity Status
2. Fee Transmittal

AUS01-50425-1

PTO/SD-17 (01-06)

Approved for use through 07/31/2006. OMB 0691-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4010).

FEE TRANSMITTAL
For FY 2006☐ Applicant claims small entity status. See 37 CFR 1.27.TOTAL AMOUNT OF PAYMENT (\$)**1635.00****Complete if Known**

Application Number	10/782,135
Filing Date	February 19, 2004
First Named Inventor	Brent M. Nowak et al.
Examiner Name	Tang, Son M.
Art Unit	2632
Attorney Docket No.	074372.0102

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METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number **50-2148** Deposit Account Name **Baker Botts LLP**

For the above-identified deposit account, the Director is hereby authorized to, (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

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FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims	Extra Claims	Fee (\$)
20 or 01 =	x	=
HP = highest number of total claims paid for, if greater than 20		
Indep. Claims	Extra Claims	Fee (\$)
3 or 01 =	x	=
HP = highest number of independent claims paid for, if greater than 3		

3. APPLICATION SIZE FEE

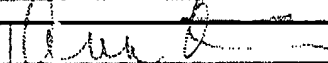
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fees Paid (\$)
100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification: \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Preliminary Claim for Utility Application, from filing prosecution & issue fee UM to LG entity **1635.00**

SUBMITTED BY	Registration No. 32,479	Telephone (512) 322-2634
Signature 	(Attorney/Agent)	Date April 16, 2008
Name (Print/Type) Anna C. Livingston		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public when it is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. (DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS) SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ATTORNEY DOCKET
074372.0102PATENT
7,123,149

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Brent M. Nowak et al.

Serial No.: 10/782,135

Patent No.: 7,123,149

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Title: TAGGING AND TRACKING SYSTEM FOR ASSETS AND
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this communication is being deposited with the United States Patent & Trademark Office via facsimile to the Maintenance Fee Branch at 571-273-6500 and is addressed to: Mail Stop M, Director of USPTO, P.O. Box 1450 Alexandria, VA 22313-1450, on April 18, 2008.

Cynthia Garbade
Cynthia Garbade

Dear Sir:

**NOTICE OF DEFICIENCY AND CORRECTION OF ERRONEOUSLY CLAIMED
SMALL ENTITY STATUS AND NOTICE OF NON-SMALL ENTITY STATUS**

The itemization and payment of deficiencies required for correction of erroneously claimed status as a small entity are submitted herewith pursuant to 37 C.F.R. § 1.28(c) and 37 C.F.R. § 1.27(g)(2). Applicants submit that small entity status may have been established in error or that such status was lost. Applicants further submit that any such error was in good faith and that small entity fees were paid in good faith, and request that the error be excused. Applicants claim Large Entity status.

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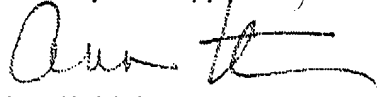
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Itemization of the total deficiency payment:

Type	Date of Erroneous Payment	Current Fee Amount for Non-Small Entity	Amount Paid in Error	Deficiency Owed (Current Fee minus Amt. Paid in Error)
Utility Application	02/19/2004	\$1030.00	\$385.00	\$ 645.00
Late Oath or Declaration	07/01/2004	\$130.00	\$65.00	\$ 65.00
1 additional Independent Claim over 1	09/27/2005	\$210.00	\$100.00	\$ 110.00
3 Claims over 20 Total Claims	03/23/2006	\$150.00	\$75.00	\$ 75.00
Issue Fee & Publication Fee Payment	12/31/2007	\$1740.00	\$1000.00	\$ 740.00
Total Deficiency Owed				\$1635.00

Applicants authorize the Commissioner to charge the \$1635.00 corresponding to the Total Deficiency Owed for the transactions identified above for the above-referenced patent, or any additional fees necessary or credit any over payments, to Deposit Account No. 50-2148 of Baker Botts L.L.P.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants



Ann C. Livingston
Registration No. 32,479

Date: April 17, 2008

Correspondence Address:

Customer Number: **31625**

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